



LANDY WOLF

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November 15, 2021

VIA ECF

Magistrate Judge Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Tyler Erdman v. Adam Victor*, S.D.N.Y. Case No. 20-cv-4162

Dear Judge Gorenstein,

My firm represents non-parties Manhattan Place Condominium (“MPC”)¹ and Greg DeJong (“DeJong”) in connection with two subpoenas filed by pro se plaintiff Tyler Erdman, neither of which was properly served. We have previously written to plaintiff and advised him that our clients shall not be producing documents or appearing for depositions because they were not properly served.² I am now writing to the Court because: (i) plaintiff stated that he intended to file a motion to compel against MPC and DeJong, notwithstanding his failure to personally serve them; and (ii) defendant Adam Victor has filed a letter requesting a pre-motion conference regarding his planned motion for a stay of discovery and for a protective order. To conserve resources while the proposed motions are still under consideration, and while the motion to dismiss plaintiff’s second amended complaint is still pending, I respectfully request an interim order staying and tolling any and all deadlines in connection with the subpoenas until after the pending motion and the request for a stay and a protective order are decided.

Thank you for Your Honor’s time and attention to the matters raised herein.

Respectfully,

/Steven Landy/
Steven Landy

cc: Mr. Tyler Erdman (via ECF)
Alfred Polizzotto, III, Esq. (via ECF)

¹ The Board of Managers of the Manhattan Place Condominium was previously a defendant in this action, but all claims against it were dismissed in the Court’s June 16, 2021 Opinion and Order. Plaintiff voluntarily chose not to assert any claims against the Board when he filed his second amended complaint.

² Before advising plaintiff that our clients would not be complying with the subpoenas, we offered to accept service in exchange for a two-week extension of time to respond. Plaintiff initially accepted our proposal but, apparently after conferring with someone, likely an attorney who we believe is secretly assisting him in this action, he reneged on our agreement and rejected our proposal.